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(2)

Supreme Court, U.S.

FILED

MAY 11 2009

OFFICE OF THE CLERK

No. 08-1007

In The
Supreme Court of the United States

James Widtfeldt et al,
Petitioner, Appellants

v.

Thomas Vilsack, formerly Michael Johanns, in his
capacity as Secretary of the United States Department
of Agriculture, et al,
Defendants, Appellees

On Appeal From
The United States Court of Appeals
For the Eighth Circuit, 07-1284
Nebraska US District Court 8:05 CV 49

**PETITION FOR RULE 44 REHEARING ON WRIT
OF CERTIORARI**

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May 11, 2009

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**PETITION FOR RE-HEARING ON
PETITION FOR WRIT OF CERTIORARI**

Petitioner James Widtfeldt et al,
respectfully petitions for a re-hearing on
the petition for writ of certiorari to review
the judgment of the United States Court of
Appeals for the Eighth Circuit in this case,
appearing in the appendix to the Petition
for Certiorari.

Petitioner requests that the Order of
April 20, 2009, communicated by William
K. Suter, (on partially obscured letterhead),

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but what is legible states Supreme Court of
the United States, Office of the Clerk,
Washington, DC 20543-0001, William K.
Suter, Clerk of the Court, 202-479-3011,
and addressed to:

Clerk, United States Court of Appeals for
the Eighth Circuit, Thomas F. Eagleton
Courthouse, 111 South 10th Street, Room
24329, St. Louis, MO 63102, RE: James
Widtfeldt vs Thomas J. Vilsack, Secretary
of Agriculture et al, No. 08-1007, (Your No.
07-1284) as follows: Dear Clerk: "The

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Court today entered the following order in
the above entitled case: "The Petition for
Writ of Certiorari is denied."

OPINION BELOW

On April 20, 2009, the United States
Supreme Court entered its order, "The
petition for a writ of certiorari is denied."

The other decisions below are as
stated in the Petition for Writ of Certiorari.

JURISDICTION

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This court already seized jurisdiction for the reasons shown in the Petition for Writ of Certiorari, in entering its Order of April 20, 2009.

RELEVANT STATUTORY PROVISIONS

I. ASSIGNMENT OF PAYMENTS 7

USC § 7995

II. AMENDMENT 5 US

CONSTITUTION

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Amendment 5, US Constitution, land values dropping, "now you see it, now you don't" farm subsidies are a major factor in massive collapse of United States economy in 2008-2009, and different policies should be adopted.

III. BURIVAL BANKRUPTCIES
SHOW, WITH EACH DAY, MONTH,
AND YEAR OF THE BANKRUPTCY,
THAT RISK OF LOSS IN CROPS WAS
ALWAYS ON WIDTFELDT, AND

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WIDTFELDT WAS A PRODUCER
NOWMORE THAN EVER, AS
BURIVALS WERE ALREADY
PROBABLY OF NEGATIVE NET
WORTH IN YEAR 2000, AND
BURIVALS WERE UNABLE TO SUFFER
RISK OF LOSS FOR THE REASON
THEIR LOSSES CONSUMED THEIR
WHOLE ASSETS IN 2000, BURIVALS
WERE ALREADY BANKRUPTCY BAIT
IN 2000, PROBABLY AT ALL TIMES
INCLUDING AND FOLLOWING 2000,

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**AND PROBABLY LONG BEFORE THAT
YEAR.**

STATEMENT

This is a case involving a grant of
various USDA subsidies which were
improperly revoked.

I. ASSIGNMENT OF PAYMENTS 7

USC § 7995

"The provisions of section 590h(g) of

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Title 16, relating to assignment of payments, shall apply to payments made under the authority of this Act. The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section."

All the Widtfeldt renters have properly signed assignments to Widtfeldt of any government payments in issue, all in proper form, and all timely done.

The USDA-FSA is not allowed to rescind assigned payments, particularly where most or all assignees are not producers nor are assignees required to be producers.

II. AMENDMENT 5 US CONSTITUTION

Amendment 5, US Constitution, land values dropping, "now you see it, now you don't" farm subsidies are a major factor in massive collapse of United

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**States economy in 2008-2009, and
different policies should be adopted.**

Daily news of the recession occurring under the Obama administration shows that real estate has been greatly over-valued, and that the government taxes are in violation of the 5th amendment of the US Constitution, an unlawful taking of private property by taxing at values far in excess of actual values, and that in fact, the over valuation of real estate for purpose of loans and tax assessments is a precipitating

factor in causing the massive nationwide recession, and far in excess of the statutory rates.

The government has cleverly issued "subsidies" and then reneged or demanded return of the subsidies, after first using misguided and tentative subsidies to provoke higher apparent real estate values, and higher real estate taxes, than warranted by the actual market conditions. Widtfeldt land valuations would not have been nearly so high, and

real estate taxes would not have been nearly so onerous, but for the USDA tactic of inciting over - valuations of real estate through arbitrary and capricious granting and revocation of USDA subsidies, leading private investors such as Widtfeldt astray.

This court should require this matter to go to hearing on the Petition for Certiorari, and the lower decisions should all be reversed and require the subsidies to be honored and any rescission of Widtfeldt subsidies should in turn be be rescinded so

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that Widtfeldt is not required to refund
any government payments made.

**III. BURIVAL BANKRUPTCIES
SHOW, WITH EACH DAY, MONTH,
AND YEAR OF THE BANKRUPTCY,
THAT RISK OF LOSS IN CROPS WAS
ALWAYS ON WIDTFELDT, AND
WIDTFELDT WAS A PRODUCER
NOWMORE THAN EVER, AS
BURIVALS WERE ALREADY
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**WORTH IN YEAR 2000, AND
BURIVALS WERE UNABLE TO SUFFER
RISK OF LOSS FOR THE REASON
THEIR LOSSES CONSUMED THEIR
WHOLE ASSETS IN 2000, BURIVALS
WERE ALREADY BANKRUPTCY BAIT
IN 2000, PROBABLY AT ALL TIMES
INCLUDING AND FOLLOWING 2000,
AND PROBABLY LONG BEFORE THAT
YEAR.**

Any risk of loss which the USDA has

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claimed to be suffered by Burivals is
clearly not sustained or suffered or shared
by Burivals in any way, shown by
Burivals' bankruptcy. Burivals, and
probably others of Widtfeldt renters, were
among the walking dead or walking
wounded, suffering from financial wounds
which were too severe to be bound up, in
2000. This court needs to hear this appeal
to avoid further disasters in running the
US economy. Burivals have been
operating on borrowed money and

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borrowed time, and have passed all risk of
loss to Widtfeldt and other Burival
creditors, on all crops from 2000 and later.

The renters who, according to the
government, should have received the
subsidies, have in at least two cases, that of
Gary and Joyce Burival, and their sons,
Philip and Richard Burival, Nebraska
Bankruptcy BK 07-42271&42273, ceased
business and their real estate sold, and all
without payment of Widtfeldt rent. In
other words, the USDA efforts to declare

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Widtfeldt not a producer are completely unavailing, and daily shown to be more and more inaccurate, as the USDA identified producers are bankrupting out of the picture, not having any risk of loss, and Widtfeldt in fact had the risk of loss and was a producer, ever since and including the year 2000. Again, Widtfeldt "renters" had no risk of loss, including and since 2000 -- Burivals were insolvent, financially broke, or hopelessly over extended beginning even before the year

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2000, and Burivals have and did not suffer any more or less because of crop size since 2000. Or earlier. Widtfeldt renters were already headed for bankruptcy and their creditors owned the risk of loss. Burival creditors, and especially Widtfeldt, have suffered losses, not Burivals, on any Burival crop.

Any final decision refusing to honor the subsidies,

The relevant statutory provisions are as shown in the Petition for Writ of Certiorari.

CONCLUSION

Petitioner respectfully requests that each of Widtfeldt renters in the years 2000 through the present have assigned their government payments to James Widtfeldt, which pursuant to 7 USC 7995. The assignment of payments to Widtfeldt takes this matter out of the claimed rescission, as

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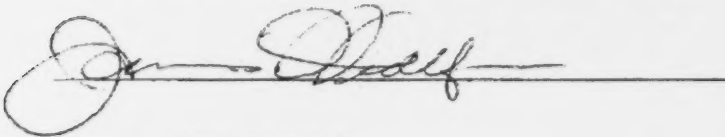
techtute@yahoo.com

CERTIFICATE OF RULE 44

Comes now James Widtfeldt and
certifies that this Petition for Rehearing is:

- a) presented in good faith and not for
delay

- b) this certificate will follow and be attached to each copy of the Petition for Rehearing;
- c) filing fee of \$200 is enclosed;
- d) this petition for rehearing is limited to intervening circumstances, namely, developments in renter bankruptcy which cause 7 USC § 7995 to be more relevant than in the Petition for Certiorari.

A handwritten signature in dark ink, appearing to read "James Widtfeldt", is written over a horizontal line.

James Widtfeldt